REMARKS

By the present Amendment, the substitute specification is amended, claim 14 is amended, and claim 19 is cancelled. Claims 8-18, 20 and 21 are pending in the application, with claims 8 and 14 being independent.

Claims 8, 9, 12-15, 18, 20 and 21 are generic to all three species. Claims 10 and 16 read on the elected species (Figs. 3 and 3a), as well as species 3 (Figs. 4 and 4a). Claims 11 and 17 read on the elected species. Thus, all pending claims read on the elected species.

Amendment to Substitute Specification

In response to the request on the bottom of page 2 of the April 22, 2011 non-final Office Action, the substitute specification is revised as noted above. EP 1 140 317 is believed to correspond to U.S. Patent No. 6,641,726 (cited by the Examiner). Although no English language version of the other patent documents cited in the specification is known, the previously filed copy of EP 0 759 318 has English language claims, and DE 102 29 291 corresponds to WO 2004/002606 having an English language abstract.

Rejections Under 35 U.S.C. §112, First Paragraph – Enablement

Claims 8-12 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. A number of different bases for this rejection are raised, each of which is treated individually hereinafter to the extent understood.

A question is raised as to how the four ports shown in Fig. 1 on mounting plate 10 are coupled to the eight channels formed by the two input channels 36, the two output channels 38, the two washing fluid supply channels 56 and the two pressure channels 52 illustrated in Fig. 3a.

However, these channels would be suitably connected in a manner that would be readily apparent to one skilled in the art. The four ports shown in Fig. 4 are adequate for the pair of input channels 36 and the pair of output channels 38. The disclosure at page 7, lines 15-17, of the substitute specification and of the original specification further specifies that "the device shown in Fig. 1 can have ports (not detailed) which are not further specified for delivery of pressurized medium, washing liquid and optionally additional channels and connecting points for filtrate and unfiltered material." Thus, any necessary additional ports can be added to front mounting plate 10 as necessary and within the skill in the art to enable the practice of the invention without undue experimentation. Such additional ports need not be specified and illustrated for enablement.

For example, one skilled in the art would recognize that the four channels 38, 40 can be connected together to filter outlet line 24, with the two input channels connected together to unfiltered inlet line 22 for the Fig. 2a and Fig. 4a embodiments. The pressure channels 52 and washing fluid channels 56 would be independent of each other and separate from the other channels or connected via valves.

At the bottom of page 7 of the Office Action, it is allegedly unclear which of the various frame parts 16 are depicted in Figs. 2a, 3a and 4a. However, these frame parts 16 are the ones in Fig. 1 as represented by the three embodiments of Figs. 2a, 3a and 4a.

Relative to the connection of the pressure spaces 50 and pressure channels 50, such are connected in the same manner as the input channels 36 and the output channels 36 and 40 are connected to the spaces 30 as shown in Fig. 3a and as more particularly shown in Fig. 4a. Reference to other embodiments is adequate to support the elected embodiment. Those

connecting paths need not appear in Fig. 3a to provide enabling disclosure. One skilled in the art, upon reading the entire specification and viewing all of the drawings in this application, would be readily able to provide a suitable connection between the pressure channel 52 and the pressure spaces 50 without undue experimentation. The pressure channels 52 clearly do not communicate with the same space as the output channels 38 and 40, but are connected to provide the pressure as disclosed in this application. The membranes 42 prevent unfiltered material from passing into the pressure space 50. Unfiltered material is not immediately conveyed from the input channel 36 to the output channels 38, 40 without passing through a laminar filter 34 due to the connection of the filter space to both the input and output channels as clearly disclosed in the specification.

The objection to Fig. 3 regarding the circled portions indicated on page 9 of the Office Action is newly raised despite numerous prior Office Actions in this application. Those circled portions involve holes through the filtered material, as would be readily apparent to a person skilled in the art, e.g., as shown by the eyes 38 in membranes 33 a, b in Figures 3a and 3c of U.S. Patent No. 6,641,726. Such holes would prevent the binding alleged.

The flow of the washing fluid, questioned on page 10, second paragraph, of the Office Action is adequately answered by reference to the specification, particularly the paragraph spanning pages 8-9 of the substitute specification and page 9 of the originally filed specification. That detailed description of the washing fluid flow would adequately teach one skilled in this art to make and use the invention without undue experimentation. This description in combination with the drawings is adequate to teach one skilled in this art to make and use the invention.

On page 11 of the Office Action, apparently the flow indicated by arrows f is allegedly unclear. However, that flow is clearly described in the paragraphs spanning pages 8-9 of the

substitute specification. The flow enters the chamber 30 through the channel 36, then passes through the laminar filter and passes into the output channel 38. As noted previously, suitable openings are provided in the laminar filter outside of the chamber 30 to allow the fluid to pass through the respective channels, including the portion noted with a question mark on page 11 of the Office Action. Such structure and operation would be readily apparent to those skilled in this art.

Relative to the last two paragraphs on page 12 of the Office Action, applicant respectfully submits that the last sentence on page 11 of the substitute specification is adequately clear to one skilled in the art to enable them to make and use the invention. No adequate reason is provided in the Office Action for any alleged confusion. Claims 8-12 also stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Noted portions of claim 8 and claim 14 are alleged to enjoy support in the originally filed specification. However, at least the paragraphs spanning pages 8 and 9 clearly show that the inventor had possession of these recitations at the time of the filing of the application. Moreover, corresponding recitations are in the original set of claims, particularly claims 1 and 7. Thus, the allegation that the written description requirement has not been provided is unsupportable.

The references to the unelected species are appropriate since the description of the unelected species supports the elected species. Although the application must be considered for determining satisfaction of the enablement and written description requirements relative to 35 U.S.C. §112, first paragraph, only the differences of the latter described embodiments need be described.

The definition of "filtrate space" contained in the portion of the specification quoted on page 12 of the Office Action involves applicant being his own lexicographer. No objection is raised relative to the prior uses in the specification of "filtrate space 30" receiving the unfiltered material via input channels 36.

Rejection Under 35 U.S.C. § 112, First Paragraph – Written Description

Claims 8-21 also stand rejected under 35 U.S. C § 112, first paragraph, for allegedly failing to comply with the description requirement. Relative to claims 8 and 14, the claimed feeding of the washing fluid and the claimed channel means (now recited in the claims as channels) for conveying washing fluid, respectively, allegedly fail to enjoy support in the originally filed specification.

However, that flow of the washing fluid is clearly described in the originally filed specification in the last paragraph on page 4, the first paragraph on page 5, and the last paragraph on page 9. Those descriptions apply to all embodiments as indicated in the first paragraph of page 10 of the original specification. Corresponding descriptions also appear in the substitute specification. The Office Action fails to treat these descriptions that satisfy the description requirement relative to the pending claims. No explanation is provided in the Office Action of why these descriptions do not satisfy the description requirement.

In the elected embodiment of Figs. 3 and 3a, filter cloths 46 and laminar filters 32 are the laminar filters and filter mediums. Thus, the assertion on page 15 of the Office Action that the laminar filters are not shown in Figs. 3, 3a is incorrect.

On page 16 of the Office Action, the description of the washing fluid flow in the specification is stated to differ from the washing fluid arrows in the previously filed replacement

Fig. 3. The passage quoted in the Office Action appears to be from the originally filed specification, not the substitute specification that has been entered. The replacement sheet filed herewith revises Fig. 3 to conform to the description in the second paragraph on page 10 of the substitute specification.

The use of "consisting" in claim 21 is standard Markush group language. M.P.E.P. § 2173.05(h). No allegation is contained in the rejection that the specific members of the Markush group are not adequately supported. Thus, the objection to "consisting" in claim 21 is inappropriate.

Rejection of Claims 14-19 Under 35 U.S.C. § 112, First Paragraph

Claims 14-19 stand rejected under 35 U.S.C. §112, first paragraph, based on the allegation that the recitation of "channel means" does not reasonably provide enablement for any other interpretation other than the channels extending through the frame parts. Although such rejection is believed to be improper, claim 14 is amended to change "channel means" to "channels extending through the frame parts." along with cancellation of claim 19 to avoid this rejection in the interest of reducing issues.

Rejection Under 35 U.S.C. § 112, Second Paragraph

On pages 17-25, claims 18-21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Relative to claim 8, the conveying of the washing fluid from the laminar filters to the output is allegedly unclear as to how it has been accomplished. However, the claim language is clear and is adequately supported as indicated above. Such reasons are not repeated to avoid further burdening of the record. The same applies to the recitations quoted in the Office Action

which are clear, particularly when viewed in light of the specification and drawings as described above. Clearly, the sequential flow is through each set as described.

Relative to the first paragraph on page 24 of the first Office Action, the claims are adequately clear and definite, particularly claims 8 and 14. Each involves a plurality of sets with filter frames with each set having a filter space defined between first laminar filter and a second filter medium. The flow of the washing fluid then passes in each set sequentially as defined. One skilled in the art would be able to readily determine the metes and bounds of claims 8 and 14. The claims need not use wording exactly that contained in the descriptive portion of the specification, as specifically indicated in M.P.E.P. § 2173.05(e). The descriptive portion of the specification and the drawings show each space 30 in each set of filter frames having two laminar filters 34 or 46. Such disclosure would be adequate for one skilled in the art to interpret the meaning and scope of claims 8 and 14.

The objection to claim 19 of page 24 of the Office Action is obviated by the above amendments to claim 14 and the cancellation of claim 9.

Claims 20 and 21 are rejected relative to the recitation of "fine." That adjective for "particles" is adequately definite in describing very small particles when viewed within the context of the descriptive portion of the specification and as interpreted in the appended dictionary definition.

Rejection of Claim 19 Under 35 U.S.C. § 112, Fourth Paragraph

The rejection of claim 18 under 35 U.S.C. §112, fourth paragraph, is obviated by the cancellation of that claim and the amendment of claim 14.

Rejections Under 35 U.S.C. § 103

Claims 8-21 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,641,726 to Sebastian in view of U.S. Patent No. 5,366,627 to Kearney. Although it is acknowledged that the Sebastian patent does not disclose the claimed washing steps for filtration of blood factions, such washing steps and blood filtration are allegedly disclosed in the Kearney patent and allegedly would be obvious to use in the Sebastian system for recovering blood products.

However, the Kearney patent clearly does not disclose the specific wash sequence of claim 8 or the specific channels recited in claim 14. No specific allegations are contained in the Office Action where the Examiner specifically recited the wash sequence of claim 8 or where the specific channels of claim 14 are disclosed in the Kearney patent. These deficiencies in the Kearney patent and in the Office Action render the rejection improper and prevent providing a more specific response.

Objections to Drawings

On page 33 of the Office Action, Fig. 3a is objected to relative certain passage structures extending from channels 36 and 38. These structures schematically illustrate passages connecting channels 36 to space 30 and channels 38 with the outside of filter 32, as would be recognized by those skilled in this art. These passages are implicit in the above-described portions of the substitute specification. The same applies to the drawing figures for the other embodiments.

The number "16" in Figs. 2a, 3a and 4a does not need an arrowhead on its lead line, and no reason is provided for requiring those arrowheads to identify these frame parts.

The circled portions of the drawings on pages 35-37 are the same passages extending from channels 36 and 38 described above.

On page 38 of the Office Action, the annotating arrows graphically show portions of channels below the space 30 as would be apparent to one skilled in this art. The channels are described in the detailed description of the Fig. 2 embodiment on pages 7-9 of the substitute specification.

The "perimeter line" noted on page 39 of the Office Action is a surrounding edge of the frame part 16. That line is not in Figs. 3a and 4a as they relate to different embodiments.

Contrary to the second paragraph on page 40 of the Office Action, "16" identifies frame parts, which frame parts are arranged in sets of frame parts as shown in the drawings. Sets are shown in Figs. 2, 3 and 4 that are connected such that brackets or braces need not be added to the drawings.

On page 41 of the Office Action, the number "45" in paragraph [0032] of the published application is objected to for not appearing in the drawings. That number was changed to "46" in the substitute specification filed December 28, 2006. Thus, this objection appears to be moot.

Relative to the objection to the drawings on page 42 of the Office Action, Fig. 3a is modified as noted above obviating this objection.

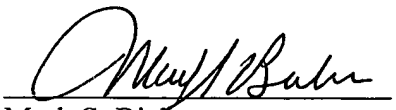
Contrary to the objection to the drawings raised in the first paragraph on page 43 of the Office Action, the specification and arguments use reference numbers consistently. No inconsistent use in the specification or arguments is identified by reference to a specific document, page and line number. In the absence of a specific instance of inconsistent use of numbers, no additional response is possible.

Contrary to the objection to the drawings raised in the second paragraph on page 43 of the Office Action, "16" identifies frame parts, not sets of frame parts. The frame parts 16 are arranged in sets as indicated above.

The Examiner's comments on pages 44-46 are believed to be adequately addressed above.

In view of the foregoing, claims 8-18, 20 and 21 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,



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